IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4575 of 1996

Between:

G.S.R.Narayana Rao, S/o. late Gurumurthy,
R/o. Old Gajuwaka, Visakhapatnam.

..... PETITIONER

AND

1 Labour Officer,Circle No.1, Visakahaptnam (Authority under Munimum wages Act.).
2 K.Samba Murthy
Plot No.158, Simhadripuram,
H.B.Colony, Visakhaptnam-22.
3 T.Srinivasa Rao, C/o. B.Ananda Rao,
D.No.7-152, Near S.V.G.Bank ,
Old Gajuwaka,.
4 D. Laxmana Rao, C/o. D.Sanjiva Rao, Municipal Corporation,
Indrira Colony, Gajuwaka,
Visakhapatnam-530 026.
5 K.Govinda Rao, S/o. K.Krishna Rao,
D.No.28-21,B.C.Road, Gajuwaka,
Visakhapatnam-530 026.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, Order or direction particularly a Writ in the nature of CERTIORARI by calling for records in MWMP.No.1/95,dt29-4-95 received on 6-2-96 on the file of 1st respondent and quash the same.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondents 2 to 5: MR.K.ANTHONY REDDY

Counsel for the Respondent No. 1: The Government Pleader for Labour.

The Court made the following :

ORDER:

Heard the learned counsel appearing for both sides.

This Writ Petition is filed inter alia, seeking to assail the orders in MWMP No. 1/1995 dated 29.4.1995 passed by the first respondent directing the petitioner to pay a sum of Rs. 27,284.75 representing the difference of wages and one time compensation of Rs. 27,284.75 totaling Rs. 54,569-50ps at the instance of the respondents 2 to 5.

It is the case of the petitioner that in fact the respondents 2 to 5 have already been paid all the wages as per the settlement and in fact they made a claim once again along with delay application, wherein petitioner was put on notice. But subsequently after condonation of delay, the petitioner did not receive any notice. Therefore, respondents erroneously, passed the ex-parte order. Hence, the present Writ petition.

Having considered the submissions and also on perusal of the material on record, the only question that calls for consideration is as to whether any indulgence can be shown to the petitioner for permitting him to appear once again.

There is no dispute with regard to the fact that the respondents 2 to 5 have been working with him where the petitioner was running a lodge. The present claim is towards difference of wags. Admittedly, the petitioner has received the notice in

the application filed to condone the delay, but there is no averment in the affidavit filed in support of the petition. Except stating that having received the notice in delay petition he did not receive any notice in the main case and nothing is forthcoming. The affidavit also does not show as to when the delay was condoned and it cannot be said that the petitioner is aware of the proceedings. Apparently, the present proceedings are nothing but to avoid the payment as ordered by the first respondent. In the circumstances, I do not find any justification in the request of the petitioner to give an opportunity.

There are no merits in the Writ Petition and accordingly, the same is dismissed. No Costs.

25.11.2004

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To

1 Labour Officer,Circle No.1, (authority under Munimum wages Act.).
Visakhaptnam

2. 2 CCs to G.P for Labour , High Court Buildings, High Court of A.P., Hyderabad. (OUT)

3. 2CD copies